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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

TRUONG, LECHI

ART UNIT PAPER NUMBER

2194

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/878,962

Applicant(s)

BERGS ET AL.

Examiner

LeChi Truong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-22 and 24-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-22, 24-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1, 2, 4-22, 24-39 are presented for examination. Claims 3, 23 are canceled.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1, 2, 4, 8-22, 24-25, 30-42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leiman et al (US. Patent 6,469,796 B1) in view of Murphy et al (US. Patent 6,076,110) and further in view of DeHority (US. Patent 5,129,639).
3. **As to claim 1**, Leiman teaches the invention substantially as claimed including: at least two processing devices (production printer, col 2, ln 23-42/ multiple printer, Fig.3), a network (network LAN, Fig. 3), receiving (receiving, col 2, ln 27-30), a definition of a job (printer jobs, col 2, ln 27-30/ job queue option/ a job queue status table, col 7, ln 35-67/ col 8, ln 1-16), a user (the operator, col 7, ln 34-40/ col 8, ln 1-18), automatically (automatically, col 8, ln 20-21/ col 10, ln 23-25), checking whether all processing devices belonging to predetermined set selecting from the plurality of processing devices are suitable for performing the job(col 8, ln 1-10 and ln 12-16), predetermined set ( a matching set-up, col 8, ln 18-21/a sep-up compatible, col 2, ln 28-40), selection of device( col 8, ln 20-21 and ln 62-65), an indication( indicate, col 7, ln 1-15, col 8, ln 10-18), transmitting at least a part of the job to the selected processing device( sending a

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selected print job ... to printer, col 2, ln 30-35/ distributing the print jobs from the printer server computer to the printers in accordance with the assignments , col 10, ln 1-5).

4. Leiman does not explicitly teach the term receiving a selection of a processing device.

However, Murphy teaches receiving a selection of a processing device (communicating a device name from client to server, col 13, ln 45-67/ responsive to said device name being available, communicating acceptance over said wide area network from said server to said client, col 13, ln 45-67).

5. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Leiman because Murphy's receiving a selection of a processing device would improve the efficiency of Leiman's system by selecting a device for printing.

6. Leiman and Murphy do not explicitly teach a reason for this is indicated via the presentation means, wherein a processing device not suitable for the job is selectable to become said selection. However, DeHority teaches a reason for this is indicated via the presentation means (the use is informed of the failure and can be informed about the reason for the failure (col 1, ln 25-28/ If the mismatch found then the operator timer is set to, for example, five minutes, the operator is notified and supplied with an indication of the type of mismatches, col 5, ln 55-60), wherein a processing device not suitable for the job is selectable to become said selection (determining 42 whether there is a stapling mismatch. If stapling mismatch exists, the document requirements for stapling are corrected to provide the best match between the job requirements and the printer capability, col 3, ln 59-65/ col 4, ln 15-25/ If the job has not been printed because the print job requirements can not be met by the printer... in many case, the user would have

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accepted a mismatch to his printing requirements and would have continued the printing job rather than stopping the job all together, col 1, ln 37-40).

7. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Leiman, Murphy and DeHority because DeHority's wherein a processing device not suitable for the job is selectable to become said selection would improve the efficiency and flexibility of Leiman and Murphy's systems by allowing the user to indicate to the printer that the closed match to the print job requirements should be used rather than rejecting the job completely.

8. As to claim 2, Leiman teaches printing devices (multiple printers, Fig.3).

9. As to claim 4, Leiman teaches selected by the user (GUI, ln 10-15).

10. As to claim 8, Leiman teaches the selected processing device (a printer having a matching set-up, col 8, ln 20-22).

11. As to claim 9, Leiman teaches the job is passed to the selected processing device (sending a selected print job ... to printer, col 2, ln 30-35/ distributing the print jobs from the printer server computer to the printers in accordance with the assignments, col 10, ln 1-5).

12. As to claim 10, Murphy teaches confirmation of the selection is received from the user of system (communicating a device name from client to server, col 13, ln 45-67/ responsive to said device name being available, communicating acceptance over said wide area network from said server to said client, col 13, ln 45-67).

13. As to claim 11, Leiman teaches a prediction (selecting, col 8, ln 5-10), a change from the predicted selection ... from the user (col 7, ln 35-67).

**14. As to claims 12, 13, 14, 15, 16,** Leimen teaches the criterion are a processing property of the processing device, a distance, availability of processing device, the processing cost, a previously indicated (Fig. 18).

**15. As to claim 17,** Leiman teaches indication via the presentation means separately (indicate through words 146 and the color of the icon the status of the corresponding device, col 7, ln 5-10).

**16. As to claim 18,** it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Leiman teaches indicate (indicates if, col 8, ln 14-16), a reason (the printer set-up does not match the printer job set-up, ln 12-13).

**17. As to claim 19,** Leiman teaches the reason (the status, col 7, ln 5-15), the processing device (device, col 7, ln 5-15), a user (a graphic user interface, col 7, ln 5-15).

**18. As to claims 20-22, 24,** they are apparatus claims of claims 2, 1, 4; therefore, they are rejected for the same reasons as claims 2, 1, 4 above.

**19. As to claim 25,** Leimen teaches allocation means are controllable by a user (printing including controlling the printing of print jobs on high-speed production printer through graphical user interface, col 2, ln 23-27).

**20. As to claims 30, 31, 33,** they are apparatus claims of claims 11-16, 9; therefore, they are rejected for the same reasons as claims 11-16, 9 above.

**21. As to claim 32,** Leimen teaches user (GUI, col 7, ln 1), the selection (selecting, col 8, ln 5-15).

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**22. As to claim 34**, Leimen teaches second indicating ... processing device belonging to the set is suitable for performing the job (indicate through words 146 and the color of the icon the status of the corresponding device, col 7, ln 5-10).

**23. As to claim 35**, it is an apparatus claim of claims 1 and 18; therefore, it is rejected for the same reasons as claims 1 and 18 above.

**24. As to claims 36, 37, 38, 39**, they are an apparatus claims of claims 24, 2, 1, 18; therefore, they are rejected for the same reasons claims 24, 2, 1, 18 above.

**23. As to claim 40**, DeHority teaches the defined job becomes selectable by the user to perform the defined job, after the indicating step(If the job has not been printed because the print job requirements can not be met by the printer... in many case, the user would have accepted a mismatch to his printing requirements and would have continued the printing job rather than stopping the job all together, col 1, ln 37-40).

**24. As to claims 41-42**, they are apparatus claims of claim 42; therefore, they are rejected for the same reason as claim 42 above.

**25. Claims 5-7, 26- 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leiman et al (US. Patent 6,469,796 B1) in view of Murphy et al (US. Patent 6,076,110) in view of DeHority (US. Patent 5,129,639), as applied to claim 1 above, and further in view of Admitted prior Art (APA).

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26. As to claim 5, Leimen, DeHority and Murphy do not explicit teach a part of job that presented to the user. However, APA teaches a part of job that presented to the user (a job ticket content required setting, page 1, ln 10-22).

27. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Leimen, DeHority, Murphy and APA because APA's job ticket content required setting would improve the efficiency of Leimen, DeHority and Murphy's systems by providing an order for processing information.

28. As to claim 6, APA teaches the job setting (page 1, ln 10-22).

29. As to claim 7, Leimen teaches the user simultaneously ... via the presentation (the operation may select a Job Queue option 156 from a view menu 158, col 7, ln 33-40).

30. As to claim 26, APA a part of job (a job ticket content required setting, page 1, ln 10-22).

31. As to claim 27, it is apparatus claim of claim 6; therefore, it is rejected for the same reason as claim 6 above.

32. As to claim 28, Leimen teaches the presentation (GUI, Fig. 6-8).

33. As to claim 29, it is an apparatus claim of claim 7; therefore, it is rejected for the same reason as claim 7 above.

#### **Response to the argument**

30. Applicant amendment filed on 10/05/2004 has been considered but they are not Persuasive.

In the remarks, applicant argued in substance

(1) "Applicant's embodied invention, the originally defined job (of job setting) is not changed to match the capabilities of printer, which is done in DeHority"/ "it gives the user to



make an informed judgment on how his defined job should be processed even when a job environment may not be most suitable for the defined job”.

(2) “ recites the feature of indicating the reason why the processing device is not suitable for performing the job”.

31. Examiner respectfully traversed Applicant’ s remarks:

As to the point (1), DeHority teaches determining 42 whether there is a stapling mismatch. If stapling mismatch exists, the document requirements for stapling are corrected to provide the best match between the job requirements and the printer capability, col 3, ln 59-65/ col 4, ln 15-25). “The originally defined job (of job setting) is not changed to match the capabilities of printer”, “it gives the user to make an informed judgment on how his defined job should be processed even when a job environment may not be most suitable for the defined job” were not in the claims. However, DeHority also teaches If the job has not been printed because the print job requirements can not be met by the printer... in many case, the user would have accepted a mismatch to his printing requirements and would have continued the printing job rather than stopping the job all together, col 1, ln 37-40).

As to the point (2), DeHority teaches the use is informed of the failure and can be informed about the reason for the failure (col 1, ln 25-28)/ If the mismatch found then the operator timer is set to, for example, five minutes, the operator is notified and supplied with an indication of the type of mismatches (col 5, ln 55-60).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

February 16, 2006



WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER